

# PLANNING COMMISSION MINUTES

October 23, 2002

## CALL TO ORDER:

Vice-Chairman Bob Barnard called the meeting to order at 7:01 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

## ROLL CALL:

Present were Vice-Chairman Bob Barnard, Planning Commissioners Gary Bliss, Eric Johansen, Dan Maks, Shannon Pogue and Scott Winter. Chairman Vlad Voytilla was excused.

Senior Planner John Osterberg, Associate Planner Sambo Kirkman, Associate Planner Liz Shotwell, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Vice-Chairman Barnard, who presented the format for the meeting.

## VISITORS:

Vice-Chairman Barnard asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

## STAFF COMMUNICATION:

Staff indicated that there were no communications at this time.

## OLD BUSINESS:

Vice-Chairman Barnard opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1           **CONTINUANCES:**

2

3           **A. CUP 2001-0028 – THE ROUND AT BEAVERTON CENTRAL:**  
4           **PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION**  
5           **CONDITIONAL USE PERMIT**

6           (Continued from September 25, 2002)

7           The applicant requests modification to an approved Planned Unit  
8           Development (CUP 97005 and amendments thereto). The Round was  
9           originally approved in 1997 as a mixed-use transit oriented  
10          development. The Round is bisected by Westside Light Rail, and is  
11          centered around the “Beaverton Central” LRT station. The applicant  
12          plans to increase the amount of some uses, in comparison with the  
13          approved PUD, and now proposes approximately 123,500 square feet of  
14          retail use, 342,000 square feet of office use and 264 residential units.  
15          The applicant’s plan deletes a 2,000-seat cinema and a 109-room hotel  
16          from the PUD, and reduces the amount of parking from approximately  
17          1025 to 810 spaces.

18

19          The Round includes recently constructed public streets; SW Crescent  
20          Avenue and SW Millikan Way (formerly Henry Street). A street  
21          constructed south of the light rail track way, SW Esplanade, will be  
22          removed from the site. The applicant will modify the primary public  
23          open space plazas, to the north and south of the Beaverton Central  
24          LRT platforms, and will include cascading water features.  
25          Landscaping and decorative lighting, seating and pavement are  
26          proposed throughout the development’s public and private areas.  
27          Existing and proposed buildings on the site will not exceed the  
28          Development Code’s maximum building height standard of 120 feet.  
29          However, building heights along major pedestrian routes are limited  
30          by Section 20.20.60.A.3.C of the Code. Conformance to this standard  
31          will be addressed at the time of future Design Review applications and  
32          the proposal may be subject to required applications for adjustments or  
33          variances.

34

35          The Round is generally located south of Beaverton Creek, west of SW  
36          Watson Ave., north of SW Millikan Way, and east of the Regal  
37          Cinemas-Westgate Theater site. This proposal also includes off-site  
38          improvements within the SW Beaverdam Road right-of-way between  
39          SW Watson Avenue and SW Hall Boulevard. The development  
40          proposal is specifically located at Washington County Assessor’s Map  
41          1S1-09DD, Tax Lots 800 and 900, Assessor’s Map 1S1-16AA, Tax Lots  
42          6300, 6500, 6600, 6700, 7200, 7300, and 7400, and the SW Beaverdam  
43          Road right-of-way between SW Watson Avenue and SW Hall  
44          Boulevard. The affected parcels are zoned Regional Center–Transit

1 Oriented (RC-TO), a total of approximately 8.60 acres. A decision for  
2 action shall be based upon the Code approval criteria listed in Section  
3 40.05.15.2.C and 40.05.15.3.C.

4  
5 Observing that staff would like to continue this item at this time,  
6 Associate Planner Sambo Kirkman advised Commissioner Moks that  
7 staff would prefer no definite date at this time.

8  
9 Commissioner Johansen **MOVED** and Commissioner Pogue  
10 **SECONDED** a motion to continue CUP 2001-0028 – The Round at  
11 Beaverton Central: Planned Unit Development Modification  
12 Conditional Use Permit indefinitely.

13  
14 Motion **CARRIED**, unanimously.

15  
16 **NEW BUSINESS:**

17  
18 **PUBLIC HEARINGS:**

19  
20 **A. RZ 2002-0021 – PROGRESS REZONE AT SW HALL**  
21 **BOULEVARD ZONE CHANGE – R-2 TO CS**

22 The applicant requests approval of a Zone Change from Urban  
23 Medium Density (R-2) to Community Service (CS). The property  
24 is generally located on the north side of SW Hall Boulevard and  
25 east of SW Scholls Ferry Road. The subject property can be  
26 specifically identified as Tax Lot 800 on Washington County  
27 Assessor's Map 1S1-26BC and is currently zoned Residential  
28 Urban Medium Density (R-2). The subject property is  
29 approximately 0.24 acres in size.

30  
31 Commissioners Moks and Pogue indicated that they are familiar with  
32 and had visited the site and had not had any contact with any  
33 individual(s) with regard to this application.

34  
35 Commissioners Johansen and Winter and Vice-Chairman Barnard  
36 indicated that they had visited the site and had no contact with any  
37 individual(s) with regard to this application.

38  
39 Commissioner Bliss stated that he is familiar with the site and had not  
40 had contact with any individual(s) with regard to this application.

41  
42 Associate Planner Sambo Kirkman presented the Staff Report and  
43 provided a brief description of the proposal. Referring to pages 16 and  
44 25, she pointed out a necessary revision within the Staff Report,

1 observing that the finding addressing the Traffic Analysis should  
2 indicate 53, rather than eight vehicular trips, and 136, rather than 20  
3 vehicular trips, due to pass-by traffic, adding that the potential  
4 difference of 50, rather than five new trips would be generated as part  
5 of this application. She emphasized that staff had reviewed these  
6 numbers and had determined that the increase in traffic with the  
7 potential worst-case scenario with regard to the Level of Service would  
8 still be adequate. Concluding, she recommended approval of the  
9 application and offered to respond to questions.

10  
11 Commissioner Bliss referred to line 4 of page 5 of the Staff Report,  
12 requesting the following revision: "...action on the application on or  
13 before January 2, 200~~2~~3."

14  
15 Commissioner Bliss pointed out that it had been his understanding  
16 that any Staff Reports and Agendas would identify each application as  
17 being reviewed under the jurisdiction of either the old Development  
18 Code or the new Development Code.

19  
20 Ms. Kirkman advised Commissioner Bliss that all of tonight's items  
21 fall under the jurisdiction of the previous Development Code, observing  
22 that whether an application is addressed by the old Development Code  
23 or new Development Code would be clearly indicated at such a time  
24 when those applications that were submitted after September 19,  
25 2002, following the adoption of the New Development Code are  
26 scheduled for Public Hearing. She explained that Public Hearings  
27 have not yet started for any of the applications that had been  
28 submitted since the new Development Code had been adopted.

29  
30 Commissioner Maks requested clarification of the land uses  
31 surrounding this particular property.

32  
33 Observing that the abutting land uses are identified on page 7 of the  
34 Staff Report, Ms. Kirkman clarified that these uses include R-2 Multi-  
35 Family District (Urban High Density/2,000 square feet) to the north;  
36 City of Tigard jurisdiction to the south; Washington County  
37 jurisdiction to the east; and R-2 Multi-Family District (Urban High  
38 Density/2,000 square feet) and OC (Office Commercial) to the west.

39  
40 Commissioner Maks expressed his opinion that this appears to be spot  
41 zoning.

42  
43 Ms. Kirkman explained that while this proposed zoning designation  
44 would provide a Community Service designation that is not adjacent to

1 other Community Service zoning, the Corridor policies allow for the  
2 potential use of this zoning designation within this area. Due to the  
3 size and limitation of the Office Commercial and Neighborhood  
4 Services, there are certain restrictions that would prevent a different  
5 commercial zoning designation to be used for the site. She pointed out  
6 that the existing Office Commercial zoning designation is located to  
7 the west, rather than adjacent to this site, which is all located adjacent  
8 to the R-2 zoning designation.

9

10 Referring to the issue of spot zoning, Commissioner Maks mentioned  
11 that while he realizes that all these zoning designations are referred  
12 within the Corridor, this is contrary to the concept of transitional  
13 zoning.

14

15 Observing that this proposal does provide what is referred to as spot  
16 zoning, Ms. Kirkman emphasized that the ¼-acre size of site and the  
17 feasibility of the development of only R-2, this proposal would provide  
18 some opportunity for potential development of the site beyond the  
19 residential zone.

20

21 Commissioner Maks questioned the number of units that could be built  
22 on this ¼-acre R-2 site.

23

24 Ms. Kirkman informed Commissioner Maks that five units could be  
25 potentially built on the ¼-acre R-2 site.

26

27 Commissioner Maks questioned how staff had determined that this  
28 site would not be likely to develop under the current zoning  
29 designation.

30

31 Ms. Kirkman advised Commissioner Maks that staff had based  
32 findings on the fact that the size of the site created a less feasible area  
33 for potential residential development.

34

35 Commissioner Maks commented that he is having difficulty  
36 understanding staff's reasoning with regard to this issue. He pointed  
37 out that there have been small residential sites in the past that are  
38 admittedly difficult to develop, noting that the issue is the total  
39 number of trips generated, rather than the Level of Service at the  
40 intersection, and particularly the affect upon the arterial.

41

42 Ms. Kirkman informed Commissioner Maks that it had been  
43 determined that five units would generate three trips per peak hour,  
44 adding that the total number of daily trips had not been provided.

1 Commissioner Johansen questioned which jurisdiction the intersection  
2 of SW Hall Boulevard and SW Scholls Ferry Road, specifically the  
3 Level of Service standards is within.

4  
5 Ms. Kirkman advised Commissioner Johansen that this intersection is  
6 within the jurisdiction of the Oregon Department of Transportation  
7 (ODOT).

8  
9 Commissioner Johansen questioned whether City of Beaverton  
10 standards are applicable to the review of traffic impacts at this  
11 particular intersection.

12  
13 Ms. Kirkman informed Commissioner Johansen that the City's Traffic  
14 Engineer had identified that while this intersection is under the  
15 jurisdiction of ODOT, the anticipated trips generated would still meet  
16 the City of Beaverton standards for Level of Service E.

17  
18 Commissioner Maks pointed out that Commissioner Johansen is  
19 attempting to clarify whose standards count at that particular  
20 intersection.

21  
22 Noting that it would be necessary to review her notes, Ms. Kirkman  
23 advised Commissioner Maks that she would respond to this issue at a  
24 later time.

25  
26 **APPLICANT:**

27  
28 **LEE LEIGHTON**, representing *Westlake Consultants, Inc.*, on behalf  
29 of Rajiv Judge, *Primark LLC*, briefly described the rationale for this  
30 request for a rezone. He provided a brief history of the site and  
31 surrounding area, and in response to Commissioner Maks' comments,  
32 he discussed efforts at designing a five-unit apartment building at this  
33 particular location, specifically as it relates to the issue of potential  
34 spot zoning. He submitted and distributed copies of Figure 2 -- Area  
35 of Influence. He discussed the parameters of the proposal and trip  
36 generation standards, including the reasonable worst-case  
37 development scenario assumption and the potential impact upon SW  
38 Scholls Ferry Road and SW Hall Boulevard, observing that an  
39 acceptable Level of Service D would be achieved at the intersection.  
40 Concluding, he offered to respond to questions.

41  
42 Commissioner Maks welcomed Mr. Leighton and expressed his regret  
43 that the applicant's Traffic Engineer is not available to respond to  
44 questions. He requested clarification of why the applicant's Traffic

1 Engineer had predicated the analysis on a right turnout only, which  
2 might occur with an application at some future point, emphasizing  
3 that this does not exist at this time and may not exist at any time in  
4 the future.  
5

6 Mr. Leighton explained that this involves what he considers to be a  
7 methodological disagreement with the scenario that staff that assisted  
8 the applicant in shaping this study, adding that the model runs are not  
9 costly to perform, analyze, evaluate and prepare. He expressed his  
10 opinion that the Traffic Engineers most likely make some reasonable  
11 judgment calls in an attempt at a reasonable scope of analysis. He  
12 noted that the decision that was being made at this time concerned the  
13 total potential of 68 trips being redirected westbound, rather than  
14 eastbound, although he is unable to comment on the sensitivity of that  
15 number in the analysis with respect to the SW Greenburg Road and  
16 SW Oleson Road intersection. He pointed out that it is likely that the  
17 City of Beaverton's analyst and the ODOT analyst had determined  
18 that it is probably not a critical issue with respect to having run a full  
19 analysis, reiterating that this involves a judgment call. He explained  
20 that it is worth noting that nothing can be built on this site and no new  
21 use can be established on this site until the applicant provides a fully  
22 completed Development Review application, completes the Design  
23 Review and Facilities Review processes, which would include another  
24 iteration of the Traffic Impact Analysis that would be specific for that  
25 proposed use.  
26

27 Commissioner Maks emphasized that his concern is not what would  
28 most likely occur, but what could potentially occur, pointing out that  
29 the bottom line is that not every possibility had been studied in the  
30 analysis. He noted that there would also be a problem with the City of  
31 Beaverton with regard to the access, adding that the access would be  
32 under the jurisdiction of ODOT, where it would be determined whether  
33 the vehicles could travel left and/or right. Referring to page 3 of the  
34 Traffic Study, he specifically mentioned the development of projections  
35 for the build out year 2005 and the horizon year 2020 and requested  
36 clarification of the calculated 1.1% annual traffic growth rate. He  
37 emphasized that he had never seen a growth rate so low in the past ten  
38 years, adding that the past few years the annual growth rate has  
39 ranged between 2.7% and 4.0%.  
40

41 Mr. Leighton advised Commissioner Maks that while he is unable to  
42 respond specifically to this issue, it is his expectation that this involves  
43 one of the parameters that had been discussed in framing the analysis  
44 with ODOT and City of Beaverton staff.

1 Commissioner Maks reiterated that he would like information with  
2 regard to what had framed this analysis, emphasizing that this  
3 number is completely unbelievable with regard to any Traffic Analysis  
4 he has ever reviewed. He pointed out that a commercial location  
5 always generates a pass by trip, rather than a new trip, and  
6 questioned where the 61% pickup/pass by trips would originate.

7  
8 Mr. Leighton pointed out that the 61% is not intended to reference any  
9 particular individual's travel behavior, adding that this is not  
10 connected to how many times a vehicle passes by and how many times  
11 a vehicle passes by and stops in. He emphasized that of the total trips  
12 passing by, for a small kind of use that is not a destination type of use  
13 in itself, this use would basically survive, and hopefully thrive, because  
14 it is close, convenient and accessible to those individuals who are  
15 already in the area.

16  
17 Commissioner Maks advised Mr. Leighton that he has an  
18 understanding of the term "pass-by trips", and requested clarification  
19 of the speed limit on SW Hall Boulevard in that area.

20  
21 Mr. Leighton advised Commissioner Maks that he believes that the  
22 posted speed is 35 mph.

23  
24 Commissioner Maks questioned the site distance from that specific  
25 driveway in both directions.

26  
27 Mr. Leighton responded that the applicant has not studied this  
28 particular issue, observing that he is aware that it is necessary to  
29 comply with the standards in the design of that intersection.

30  
31 Referring to page 5 of the Traffic Report, Commissioner Maks stated  
32 that while he understands the applicant's reasonability argument with  
33 regard to the development and utilization of the site, he is obligated to  
34 look beyond that issue and consider how this would affect the City of  
35 Beaverton. He expressed his concern with the potential creation of 50  
36 additional vehicular trips on a daily basis, specifically with regard to  
37 the affect of these additional vehicles upon the traffic flow on this  
38 arterial street. He emphasized that this zone change would add uses  
39 outright that he feels should be reviewed, noting that these potential  
40 uses would have a significant affect upon both the overall traffic flow  
41 and livability. Observing that he understands why the applicant is  
42 requesting a zone change, he mentioned that he does have an issue  
43 with changing to Community Service (CS), specifically with regard to  
44 potential outright uses and possible vehicular trips that could be

1 generated. He highlighted his concerns with regard to the Traffic  
2 Study, as follows:

- 3
- 4 1. The Traffic Study that is based upon an assumption;
- 5 2. The lack of available information with regard to the origin of the
- 6 projected 1.1% annual traffic growth rate;
- 7 3. The excessive estimated number of pass by trips; and
- 8 4. The potential affect upon the flow of the arterial streets.
- 9

10 Referring to page 5 of the Traffic Analysis, Commissioner Maks  
11 pointed out that if the on-site circulation can not support this, then the  
12 left turn egression should probably not be allowed, noting that a  
13 solution would be to select a less-intensive site usage that would  
14 generate fewer trips.

15  
16 Mr. Leighton responded that with respect to the share of pass by trips,  
17 suggesting a review of past applications that had been reviewed involv-  
18 ing postage stamp sites of ¼-acre. He pointed out that the larger sites  
19 support businesses can operate more as destinations, rather than stop  
20 in types of businesses, noting that some sites serve as both destina-  
21 tions and pass by trips. He discussed setback requirements, parking,  
22 and on-site traffic flow issues, and expressed concern with attempting  
23 to address all of these issues while creating a feasible project.

24  
25 Commissioner Maks pointed out that previous applications have been  
26 submitted based upon an analysis of the largest footprint possible  
27 within a site.

28  
29 Mr. Leighton emphasized that the setbacks alone on this site would  
30 reduce any proposal to approximately ¼ of the site.

31  
32 Commissioner Maks advised Mr. Leighton that a decision by the  
33 Planning Commission must be based upon the information that is  
34 provided.

35  
36 Mr. Leighton indicated that the technical reviewers have been through  
37 this at both the ODOT and City of Beaverton level, adding that they  
38 agree with the applicant's findings that this site is feasible, based upon  
39 the 3,900 square foot assumption of a convenience store, without  
40 overloading the relevant intersections during the peak periods, at  
41 which time these intersections are operating at their utmost limits.

42  
43 Commissioner Maks advised Mr. Leighton that the applicant's  
44 proposal must meet the criteria of the Comprehensive Plan.

1       **PUBLIC TESTIMONY:**

2  
3       No member of the public testified with regard to this application.

4  
5       Ms. Kirkman discussed City of Beaverton standards with regard to  
6       Level of Service, observing that the Traffic Engineer has indicated on  
7       page 25 of the Staff Report that these standards have been met.  
8       Referring to the issue of spot zoning, she noted that staff has not  
9       discussed this issue because there is no policy within the  
10      Comprehensive Plan that identifies this issue, the Planning  
11      Commission has the ability to evaluate this issue.

12  
13      Commissioner Johansen expressed concern with the lack of technical  
14      expertise with regard to traffic issues.

15  
16      Assistant City Attorney Ted Naemura discussed the issue of spot  
17      zoning, observing that this term and notion are different when  
18      reviewing a proposal that proposes to simply rezone an area as opposed  
19      to rezoning an area in connection with an amendment to the  
20      Comprehensive Plan. He clarified that a proposal that is envisioned  
21      by the Comprehensive Plan decreases the importance of the notion of  
22      spot zoning, adding that the document already assumes that this body  
23      would review possible zonings that would include this Community  
24      Service (CS) zoning designation. He explained that this differs from an  
25      instance where there is a proposal for a rezone and an amendment to  
26      the Comprehensive Plan for a small area where the findings seem very  
27      out of touch with the surrounding area, emphasizing that the  
28      Comprehensive Plan actually envisions that this could be allowed here.  
29      He reminded the Planning Commissioners that the policies exist to  
30      facilitate their consideration of such an issue, adding that the concept  
31      of spot zoning is not that urgent.

32  
33      The public portion of the Public Hearing was closed.

34  
35      Expressing his opinion that this issue involves a generally difficult site  
36      and application, Commissioner Johansen noted that Commissioner  
37      Maks had made some good points, one of which this proposal would  
38      result in changing a relatively small, low traffic generating use to a use  
39      that is potentially the highest traffic generator that could be achieved  
40      within this Comprehensive Plan designation. He emphasized that  
41      there are too many unanswered and important questions with regard  
42      to transportation issues, adding that the burden of proof is on the  
43      applicant, and expressed his regret that neither the applicant's Traffic  
44      Engineer nor the City's Traffic Engineer are available to respond to

1        what he considers key issues. Observing that adequate information is  
2        not available, he stated that he is unable to support approval of this  
3        application at this time.

4

5        Emphasizing that he would like to see this property developed,  
6        Commissioner Maks stated that while he is able to understand the  
7        applicant's desire to rezone the property, he is not certain that this is  
8        the appropriate zoning designation to accomplish the goal of providing  
9        a sound basis for urbanization. Reiterating that he is concerned with  
10       regard to the outright uses allowed within the Community Service (CS)  
11       zoning designation, he stated that he is not able to support this  
12       proposal.

13

14       Commissioner Bliss mentioned that he had not considered the  
15       potential for spot zoning until he heard Commissioner Maks'  
16       comments, but when it was indicated that the CS zoning district was  
17       part of the Comprehensive Plan, this was not an issue. Adding that  
18       because he has concerns and reservations with regard to this proposal,  
19       he stated that he is unable to support approval of the application.

20

21       Commissioner Pogue expressed his agreement with the comments of  
22       his fellow Planning Commissioners, adding that while he is apprecia-  
23       tive of the applicant's rationale he is not able to support this proposal.

24

25       Commissioner Winter pointed out that because he drives past this site  
26       on a daily basis, he is familiar with the site and has concerns with  
27       regard to visibility issues, as well as increasing the use on this site  
28       from relatively low impact to high impact, adding that he is also  
29       unable to support this application.

30

31       Vice-Chairman Barnard stated that he concurs with the comments of  
32       his fellow Planning Commissioners with the exception of comments  
33       regarding a convenience store, expressing his opinion that 61% of these  
34       vehicular trips are actually pass by trips, adding that he is not certain  
35       whether this use would actually involve a destination type of trip. He  
36       pointed out that he does not believe that residential zoning is  
37       appropriate in this area, adding that he would be more inclined to lean  
38       towards a commercial zoning of some sort. Observing that he does not  
39       envision this as developing residentially, he stated that he is not able  
40       to support this application.

41

42       Noting that both the applicant and the Planning Commissioners are  
43       struggling with the lack of available technical expertise with regard to  
44       transportation, Mr. Leighton requested a continuance to provide the

1 applicant with the opportunity to return better prepared with  
2 transportation expertise, adding that the applicant is willing to waive  
3 the 120-day rule for a period of four weeks.

4  
5 Ms. Kirkman questioned whether the applicant could be prepared by  
6 November 20, 2002.

7  
8 Mr. Leighton advised Ms. Kirkman that the applicant is confident of  
9 their ability to be prepared on that date, and agreed to sign the waiver  
10 of the 120-day rule. On question, he assured Commissioner Pogue that  
11 the applicant's transportation expertise would be available to respond  
12 to questions.

13  
14 Commissioner Pogue **MOVED** and Commissioner Winter  
15 **SECONDED** a motion to continue RZ 2002-0021 – Progress Rezone at  
16 SW Hall Boulevard Zone Change – R-2 to CS to a date certain of  
17 November 20, 2002.

18  
19 Expressing his appreciation of the willingness of the applicant to  
20 request a continuance and sign the necessary waiver, Commissioner  
21 Maks emphasized that he is not certain that this would address his  
22 concerns with regard to this proposal. He reiterated that the zone  
23 requested in this application contains outright uses that are high  
24 traffic generators, adding that he does not believe that additional  
25 information from a Traffic Engineer could mitigate this situation.

26  
27 Vice-Chairman Barnard stated that he understands Commissioner  
28 Maks' concerns, adding that the burden of proof is upon the applicant.

29  
30 Commissioner Johansen pointed out that while the applicant could  
31 possibly meet criteria with additional information, this proposal would  
32 still be very close. Observing that he supports the applicant's request  
33 for a continuance, he emphasized that the applicant is facing a great  
34 challenge.

35  
36 Vice-Chairman Barnard noted that Commissioner Johansen had  
37 provided a good summary, adding that he is certain that the applicant  
38 is aware of this challenge.

39  
40 Mr. Naemura made a general observation, noting that the Planning  
41 Commission typically tends to honor an applicant's request for a  
42 continuance.

43

Commissioner Bliss stated that there is a possibility that he could be convinced to approve this application, observing that he has had enough experience with ODOT to realize that the potential for a full intersection at this location is not likely to occur.

Motion for a continuance **CARRIED** unanimously, with the exception of Commissioner Maks, who abstained from voting on this issue.

8:25 p.m. – Ms. Kirkman left.

8:25 p.m. to 8:34 p.m. – break.

**B. TUALATIN VALLEY WATER DISTRICT/OPERATIONS CENTER EXPANSION**

The proposed development is generally located at the northeast corner of the intersection of SW 170<sup>th</sup> Avenue and SW Merlo Road, southwest of SW Merlo Drive. The development site can be specifically identified as 1850 SW 170<sup>th</sup> Avenue, Washington County Tax Assessor's Map 1S1-06DD, Tax Lots 1100 and 1200. The affected parcels are zoned Station Community – Multiple Use (SC-MU) and total approximately 7.75 acres in size.

**1. CUP 2002-0006 – TVWD OPERATIONS CENTER CONDITIONAL USE**

The applicant requests approval of a Conditional Use Permit (CUP) for the expansion of a public building or other structure pursuant to Section 20.20.20.05.2.B.5 of the City of Beaverton Development Code. A decision for action shall be based upon the approval criteria listed in Section 40.05.15.2.C.

**2. VAR 2002-0007 – TVWD OPERATIONS CENTER PARKING VARIANCE**

The applicant requests approval of a Variance for variance to Section 20.20.60.D.3.C of the Development Code which requires that "off-street parking lots shall be located to the rear of buildings" along Major Pedestrian Routes. The proposed site design includes parking between the existing and proposed buildings and the SW Merlo Road right-of-way, which is a designated Major Pedestrian Route. A decision for action shall be based upon the approval criteria listed in Section 40.80.15.2.C.

1                   **3.     VAR 2002-0008 – TVWD OPERATIONS CENTER**  
2                   **SETBACK VARIANCE**

3                   The applicant requests approval of a Variance for  
4                   variance to Section 20.20.60.D.3.B of the Development  
5                   Code which requires that “buildings shall be located so  
6                   that a minimum of 70 percent of the frontage is occupied  
7                   by one or more buildings within five (5) feet of the special  
8                   setback line” along Major Pedestrian Route. A decision  
9                   for action shall be based upon the approval criteria listed  
10                  in Section 40.80.15.2.C.

11  
12                  Commissioners Maks and Bliss and Vice-Chairman Barnard all stated  
13                  that although they had not visited with regard to these specific  
14                  applications, they are very familiar with the site.

15  
16                  Commissioner Pogue indicated that he is familiar with and had visited  
17                  the site and had no contact with any individual(s) with regard to these  
18                  applications.

19  
20                  Commissioner Winter commented that he had visited the site with  
21                  regard to these applications.

22  
23                  Commissioner Johansen pointed out that he had visited and is very  
24                  familiar with the site.

25  
26                  Associate Planner Liz Shotwell presented the Staff Reports and briefly  
27                  described the proposal, which consists of three applications, observing  
28                  that an associated Type 3 Design Review application would be  
29                  addressed by the Board of Design Review the following evening,  
30                  recommended approval of all three applications, with certain  
31                  Conditions of Approval, and offered to respond to questions.

32  
33                  On question, Ms. Shotwell advised Commissioner Maks that the trees  
34                  identified for preservation have not been identified as being located in  
35                  any Significant Natural Resource Area.

36  
37                  **APPLICANT:**

38  
39                  **GREG DiLORETO**, General Manager of the Tualatin Valley Water  
40                  District (TVWD), expressed appreciation to staff for their assistance in  
41                  the preparation of this application, adding that the applicant concurs  
42                  with all of the recommended Conditions of Approval. He provided a  
43                  brief history of TVWD, which had been established in the year 1991 as  
44                  a merger of the Wolf Creek Highway Water District and the Metzger

1 Water District. He explained that this public agency serves greater  
2 than 175,000 people, including more than 20,000 residents of the City  
3 of Beaverton, providing water for citizens, business and industry  
4 within Washington County.  
5

6 Observing that the purpose of this application is to provide for the  
7 expansion of the district headquarters facility, Mr. DiLoreto noted that  
8 the current building was constructed in the year 1976, with several  
9 additions since that time. He explained that the district had annexed  
10 into the City of Beaverton in the year 1998, adding that the number of  
11 customers served by the district has grown, along with the number of  
12 employees necessary to meet the needs of these customers. He  
13 explained that the district had recently completed a 15-year Master  
14 Plan, indicating how future needs at this site would be met.  
15

16 Mr. DiLoreto pointed out that an important component of this  
17 expansion is to bring this facility into compliance with new Federal  
18 security requirements. He further explained that as a result of the  
19 tragedy that occurred on September 11, 2001, the Environmental  
20 Protection Agency (EPA) requires that all water providers serving  
21 greater than 100,000 people to complete what he referred to as a  
22 Security Vulnerability Assessment. Noting that this assessment for  
23 the building has been completed, he mentioned that this assessment  
24 has provided guidance on a number of security improvements that are  
25 necessary as a part of this project, adding that one of these  
26 improvements involves parking issues. He mentioned that the Cities  
27 of Beaverton, Hillsboro, Tualatin, Forest Grove and Tigard have all  
28 been required to undertake a similar process in the next phase, adding  
29 that they have retained TVWD to manage that process on their behalf.  
30 He expressed his opinion that the project presents a win/win situation  
31 for everyone involved, emphasizing that this presents TVWD with the  
32 opportunity to obtain the additional space necessary to provide  
33 necessary water service to customers while retaining the current  
34 facility, which is essentially located within the service territory, thus  
35 reducing vehicle miles traveled and operational costs. Concluding, he  
36 emphasized that the City of Beaverton would gain a facility that is  
37 closer compliance with respect to the Development Code, and offered to  
38 respond to questions.  
39

40 **ALAN OSBORNE**, Project Manager representing *Hennebery Eddy*  
41 *Architects*, explained that the applicant had worked hard in the  
42 preparation of the applications for the Variances associated with this  
43 proposal. He observed that this proposal meets new security  
44 requirements as well as the goals of the adjacent neighborhood and the

1 City of Beaverton. Concluding, he introduced the David Byrne,  
2 representing *Hennebery Eddy Architects*, noting that he had provided  
3 assistance in the preparation of this design, and offered to respond to  
4 any questions.

5  
6 Commissioner Maks requested further information with regard to the  
7 existing trees that compile the tree grove along the west and south  
8 portion of the site.

9  
10 **DAVID BYRNE**, Project Architect representing *Hennebery Eddy*  
11 *Architects*, indicated on an illustration which trees are included within  
12 this tree grove, adding that the canopy on these trees, which range in  
13 diameter from ten-inches to 40-inches or more, is not adequately  
14 represented.

15  
16 Commissioner Maks questioned whether the applicant is proposing to  
17 preserve all those trees.

18  
19 Mr. DiMarato advised Commissioner Maks that the applicant proposes  
20 to preserve all of the trees shown on that plan.

21  
22 Commissioner Maks questioned whether the applicant would object to  
23 a Condition of Approval providing that these particular trees are to be  
24 preserved and maintained, as indicated.

25  
26 Mr. Osborne emphasized that it is necessary to recognize that because  
27 a tree is a living thing, there are some limitations with regard to  
28 preserving a certain tree over a period of time.

29  
30 **PUBLIC TESTIMONY:**

31  
32 No member of the public testified with regard to these applications.

33  
34 Ms. Shotwell had no further comments with regard to this application.

35  
36 Mr. Naemura indicated that he had no comments with regard to this  
37 proposal.

38  
39 The public portion of the Public Hearing was closed.

40  
41 Commissioners Winter, Pogue, Bliss and Johansen, and Vice-  
42 Chairman Barnard all expressed their support of what they referred to  
43 as a great application.  
44

1 Commissioner Maks expressed his appreciation of both the application  
2 and Staff Report, which were very well prepared, adding that he is  
3 appreciative of and supports the applicant's efforts to meet the  
4 stringent code that has become necessary.  
5

6 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
7 a motion to approve CUP 2002-0006 – Tualatin Valley Water  
8 District/Operations Center Expansion Conditional Use Permit, based  
9 upon the testimony, reports and exhibits, and new evidence presented  
10 during the Public Hearing on the matter, and upon the background  
11 facts, findings and conclusions found in the Staff Report dated October  
12 16, 2002, including Conditions of Approval Nos. 1 through 7, including  
13 an additional Condition of Approval, as follows:  
14

- 15 8. Existing trees from the tree groves along the west and south  
16 portions of the site, identified for their scenic value, and as  
17 identified in Exhibit No. 3 shall be preserved and maintained  
18 with good forestry practices.  
19

20 Mr. Naemura suggested that Condition of Approval No. 8 be revised,  
21 as follows: "...shall be preserved and maintained ~~with~~ **to the extent**  
22 **allowed by** good forestry practices."  
23

24 Commissioner Maks disagreed with Mr. Naemura, adding that his  
25 motion stands, as originally stated. He pointed out that if it is  
26 necessary to remove any of these trees at some point in the future, the  
27 applicant would have to follow standard procedure.  
28

29 Motion **CARRIED**, by the following vote:  
30

31 **AYES:** Barnard, Bliss, Johansen, Maks, Pogue, and  
32 Winter.

33 **NAYS:** None.

34 **ABSTAIN:** None.

35 **ABSENT:** Voytilla.  
36

37 Commissioner Maks **MOVED** and Commissioner Johansen  
38 **SECONDED** a motion to approve VAR 2002-0007 – Tualatin Valley  
39 Water District/Operations Center Expansion Parking Variance, based  
40 upon the testimony, reports and exhibits, and new evidence presented  
41 during the Public Hearing on the matter, and upon the background  
42 facts, findings and conclusions found in the Staff Report dated October  
43 16, 2002, including Conditions of Approval Nos. 1 through 5.  
44

45 Motion **CARRIED**, by the following vote:

1  
2           **AYES:**       Barnard, Bliss, Johansen, Maks, Pogue, and  
3                       Winter.

4           **NAYS:**       None.

5           **ABSTAIN:** None.

6           **ABSENT:** Voytilla.

7  
8           Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**  
9           a motion to approve VAR 2002-0008 – Tualatin Valley Water  
10          District/Operations Center Setback Variance, based upon the  
11          testimony, reports and exhibits, and new evidence presented during  
12          the Public Hearing on the matter, and upon the background facts,  
13          findings and conclusions found in the Staff Report dated October 16,  
14          2002, including Conditions of Approval Nos. 1 through 7.

15  
16          Motion **CARRIED**, by the following vote:

17  
18               **AYES:**       Barnard, Bliss, Johansen, Maks, Pogue, and  
19                       Winter.

20           **NAYS:**       None.

21           **ABSTAIN:** None.

22           **ABSENT:** Voytilla.

23  
24          **MISCELLANEOUS BUSINESS:**

25  
26          The meeting adjourned at 8:54 p.m.